

Remarks

Claims 1-41 are pending in the application. All claims stand rejected. New claims 42-45 have been added. Reconsideration of all pending claims herein is respectfully requested.

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(24) because reference numerals "432" and "436" in Figure 7 were both used to designate rotation indicators. Enclosed herewith is a replacement sheet for Figure 7 that corrects this error.

Claims 1, 2, and 4-41 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting. Enclosed herewith is a terminal disclaimer to obviate the double-patenting rejection.

Claims 1-41 were rejected under 35 U.S.C. 102(e) as being anticipated by Easty et al. ("Easty"). This rejection is respectfully traversed.

Easty Does Not Disclose or Suggest Concentric *Polygonal* Menus

The term "polygon" is almost universally defined as "a figure, esp. a closed figure, having three or more, usu. straight, sides." Random House Webster's College Dictionary. Easty does not disclose or suggest a menu having three or more, usually straight sides. Indeed, Easty's circular (ring-shaped) menus have no sides. The applicant respectfully submits that one of ordinary skill in the art would never refer to a circle as a polygon. It is a geometric impossibility.

The Examiner states that "the words curvilinear and polygon can be substituted for one another." The applicant respectfully submits that, not only is this

incorrect, it is irrelevant. The term “curvilinear” is universally defined as “consisting of or bounded by curved lines.” Random House Webster’s College Dictionary. The word “curvilinear” does not describe a shape. A line could be curvilinear. However, a line is most certainly not a polygon. Thus, the words “curvilinear” and “polygon” cannot be synonymous.

The Examiner states that “a polygon is a triangle with three sides that is synonymous with a geometric shape as a curvilinear shape.” If a triangle is curvilinear shape (*i.e.*, a shape with curved lines), then none of the trigonometric functions would be possible. Indeed, even the Pythagorean theorem would not work.

Whether the terms “curvilinear” and “polygon” are synonymous is irrelevant, however, because Easty does not use either term. The applicant respectfully suggests that the Examiner is apparently borrowing the “curvilinear” language from present application, which mentions curvilinear menus. However, the present application clearly distinguishes between ring-shaped menus having no sides (Figs. 4-6), as in Easty, and polygonal menus having 3, 5, and 8 sides (Figs. 7-9).

The fact that the present application mentions both polygonal and curvilinear menus cannot be used to reject a claim to a polygonal menu, absent some teaching or suggestion in the references. To establish “anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly.” MPEP 706.02(a) (emphasis added). Although Easty’s menu rings are curvilinear, they are not polygonal. Easty does not suggest polygonal menus, let alone the claimed concentric polygonal menus illustrated in FIG. 9 of the present application.

Easty Does Not Disclose a Polygonal Menu With a Variable Number of Sides Based on the Number of Options

Claim 3 recites that “each side of the first polygonal menu is associated with a particular selectable option” and that “the number of selectable options in the first set determines the number of sides for the first polygonal menu. For instance, as shown in FIG. 9 of the present application, a triangular menu may be used for three options, a pentagonal menu for five options, and an octagonal menu for eight options. As argued above, a circle is not a polygon—it has no sides. In any case, Easty does not disclose or suggest varying the number of sides of the polygonal menus based on the number of options.

Easty Does Not Disclose Rotation of Second or Subsequent Menus

New claims 42 and 43 recite a method for obtaining user input in a graphical user interface, comprising:

displaying at least a portion of a first polygonal menu comprising a first set of selectable options circumferentially disposed on the first polygonal menu;

rotating the first polygonal menu about an axis to radially align an option from the first set with a fixed selection indicator;

in response to a selection of the radially-aligned option from the first set, displaying at least a portion of a second polygonal menu comprising a second set of selectable options circumferentially disposed on the second polygonal menu, wherein the second polygonal menu is concentrically-disposed relative to the first polygonal menu; and

rotating the second polygonal menu about the axis to radially align a user-selected option from the second set with the fixed selection indicator.

* * *

in response to a selection of the radially-aligned option from the second set, displaying at least a portion of a third polygonal menu comprising a third set of selectable options circumferentially disposed on the third polygonal menu, wherein the third polygonal menu is concentrically-disposed relative to the first and second polygonal menus; and

rotating the third polygonal menu about the axis to radially align a user-selected option from the third set with the fixed selection indicator.

While the Examiner is correct that Easty discloses a rotatable “outer” menu, Easty does not disclose or suggest a rotating “inner” menu. Easty clearly states that

[w]hen an icon 11a is selected from the outer menu ring 11, in addition to rotating the outer ring to the new setting, the inner ring 12 is re-displayed with appropriate icons identifying the available subcategories associated with the selected category. For example, if the “music” category is selected from the outer menu ring 11, the icons displayed on the inner menu ring 12 will include rock, classical, etc. (FIG. 1b). When the inner menu ring 12 is initially displayed in response to a selection of a content category, an arbitrary one among the icons 12a is highlighted, such as the one located at the top of the inner ring, or a randomly selected one. Highlighting is done by means of a highlighting icon 14, which is a border having a distinctive shape surrounding the highlighted icon (FIG. 1b). The user may then select an icon 12a from the second menu ring 12 representing a subcategory of digital contents. When a second icon 12a is selected, the inner menu ring 12 is re-displayed with the selected second icon highlighted, **while the positions of the second icons along the second circle remain unchanged** (FIG. 1c).

Column 5, lines 45-64 (emphasis added).

Thus, when the user is selecting an item from the inner ring, Easty moves a highlighted border around items rather than “rotating” the ring. This is clearly shown in the transition between Fig. 1b and Fig. 1c in which the “Rock” icon is initially highlighted followed by the “Top40” icon. The “positions of the second icons along the second circle remain unchanged” (*i.e.*, unrotated). Indeed, the passage cited above explicitly **teaches away** from rotating the inner ring.

Easty's Selected Options Do Not Always Define a Radially-Extending Selection Path

Because Easty does not rotate the inner ring, the user-selected options from the outer and inner rings do not “**always** define a radially-extending selection path through the first and second curvilinear menus,” as required by new claim 44.

Instead, the selected options at each menu level (or the “selection path”) will be randomly scattered around Easty's concentric rings, as shown Fig. 1c. Easty does not explicitly disclose a “radially-extending” selection path (*i.e.*, a selection path extending along a radius of the concentric menus). The only possible way that it might be radially-extending is if the user selected a series of icons that happened to be radially-aligned by default. However, this is not what is shown or described in Easty (Fig. 1c). In any case, Easty does not disclose or suggest the limitation of “**always** defin[ing] a radially-extending selection path,” as required by new claims 44 and 45.

Easty does not explicitly show three rings as recited in new claim 45. However, even assuming that Easty suggested more than two rings, there is no suggestion that a subsequent inner ring would be rotatable. Indeed, the only example of an inner ring in Easty is non-rotatable. Thus, Easty cannot teach or suggest that the user-selected options from the first, second, third (and subsequent) sets **always** define a radially-extending selection path through the first, second, and third (and subsequent) polygonal menus.

Easty Does Not Disclose Playing Audio Sample in Response to an Option Being Aligned With Fixed Selection Indicator

As amended, claims 13 and 34 recite that a selectable option is associated with an audio sample, and that the audio sample is played in response to the corresponding option **being aligned** with the fixed selection indicator **prior to an explicit selection action**. As the user rotates the polygonal menu, audio samples associated with each option may be played before the user actually selects one of the options.

The Office Action appears to be confusing the concept of playing of audio samples in response to the corresponding option **being aligned** with the fixed selection indicator and the concept of playing of media content once the user has actually selected an option. Merely aligning an option with a fixed selection indicator is not an act of selection, either in Easty or the in present application. Claims 13 and 34 have been amended to make it clear that the audio sample is played **prior to an explicit selection action**, resolving any possible confusion in this regard.

Easty Does Not Disclose a Second Polygonal Menu Concentrically Displayed Around a First Polygonal Menu After a Selection of an Option from the First Menu

The Office Action appears to have missed the distinction between claims 14 and 15 (as well as between claims 35 and 36). For example, claim 14 recites that the second polygonal menu is concentrically displayed **around** the first polygonal menu, while claim 15 recites that the second polygonal menu is concentrically displayed **within** the first polygonal menu. With regard to both claims, the Examiner states that "Easty teaches the inner and outer concentric rings are displayed around one

another.” The applicants cannot understand, however, how an “inner” ring (or, in this case, polygon) can be displayed *around* an “outer” ring (or polygon).

The Office Action fails to take into account that the options of the second polygonal menu are displayed **after** to the selection of an option from the first polygonal menu. In many cases, the second menu is a sub-menu that is hierarchically related to the first menu. For instance, claim 1 recites that a user makes a selection of an option from the first polygonal menu. In response, a second polygonal menu is concentrically displayed including a second set of options. The second menu may be concentrically displayed “within” the first menu or “around” the first menu, but not both.

Easty first displays an “outer” ring. After a selection of an item from the outer ring, an “inner” ring is displayed *within* (not around) the outer ring. Thus, subsequent rings for additional sub-menus become progressively smaller.

By contrast, claims 14 and 35 recite that the second polygonal menu is displayed *around* the first polygonal menu. Accordingly, subsequent polygonal menus become progressively larger. Easty does not disclose or suggest progressively larger rings with each new sub-menu.

Easty Does Not Satisfy Anticipation Standard

To establish “anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly.” MPEP 706.02(a). In this case, Easty fails, at least, to teach or suggest the following:

- (1) concentric, *polygonal*, menus

- (2) rotating a *second* or subsequent menu to align with a fixed selection indicator;
- (3) *always* defining a radially-extending selection path through the menus;
- (4) playing an audio sample in response to an option being *aligned* (not selected) with the fixed selection indicator; and
- (5) concentrically displaying the second menu *around* the first menu, resulting in progressively larger menus.


Conclusion

In view of the foregoing, independent claims 1, 22, 40, 41, and 42 are believed to be patentably distinct over the prior art of record. In addition, at least dependent claims 2, 13, 14, 23, 34, 35, and 43-45 are believed to be patentably distinct for the reasons stated above. All other claims depend directly or indirectly from one of the foregoing claims and are likewise believed to be patentably distinct based on that dependency.

Accordingly, the applicants respectfully submit that all claims are in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 7.

Attachment: replacement sheet